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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,511	08/15/2001	Ramsay Wood		9770

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Breiner & Breiner
115 North Henry Street
PO Box 19290
Alexandria, VA 22320-0290

EXAMINER

RADA, ALEX P

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/913,511

Applicant(s)

WOOD, RAMSAY

Examiner

Alex P. Rada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Response to Amendment

In response to the amendment filed May 8, 2003, in which the applicant has provided corrections to the disclosure, adds drawings, and claims 1-7 are pending in this office action.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the markings on each of the backs of the playing cards are a selected sentence or group of sentences of a poem to be arranged in a set to form a completed poem, or selected frames of a cartoon strip to be arranged in a set to form a completed cartoon strip, of selected images to be arranged in a set to form a completed image of commercial product as recited in claims 3 and 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith `582.

4. Smith discloses a pack of playing cards having a set of differentiated face designs on the playing cards (figures 1 and 2), the face designs being a conventional or substantially conventional set of playing cards (column 2, lines 14 – 57), rules to determine a method of game play (column 2, line 60 – column 14, line 65), a number of backs of the playing cards possess marking that are coordinated with the face design found on the playing cards to enable formation of different type of set based on the marking found on the backs of the playing cards as recited in claim 1; the marking on the backs of the playing cards (figures 1-6) having an outer portion identical on each card and an inner portion coordinated with the face designs found on the playing cards, is interpreted to be the surrounding borders around the numbers and letters, as recited in claim 2.

5. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hart `166.

6. Hart discloses a pack of playing cards having a set of differentiated face designs on the playing cards (figures 1 -25), the face designs being a conventional or substantially conventional set of playing cards, rules to determine a method of game play, a number of backs of the playing cards possess marking that are coordinated with the face design found on the playing cards to enable formation of different type of set based on the marking found on the backs of the playing cards (figures 1-25) as recited in claim 1; the marking on the backs of the playing cards (figures 1-6) having an outer portion identical on each card and an inner portion coordinated with the face designs found on the playing cards as recited in claim 2.

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Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-7 rejected under 35 U.S.C. 103(a) as being unpatentable over Smith '582 in view of Brown '698.

9. Smith discloses the claimed invention as discussed above except for the markings on each of the playing cards are selected indicia to be arranged in a set to of a completed poem, carton strip or a commercial product as recited in claims 3 and 7.

Brown teaches markings on each of the playing cards are selected indicia to be arranged in the form different images (figures 1 and 2). By having indicia arranged to form selected indicia, one of ordinary skill in the art would provide a diverse deck of cards for assisting the improvement of a Childs learning skills by providing simple games of fun. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention was made to modify Smith to include markings on each of the playing cards are selected indicia to be arranged in a set to of a completed poem, carton strip or a commercial product as taught by Brown. To do so would provide a diverse deck of cards for assisting the improving the learning skills of a child by providing simple games of fun.

In regard to the claimed rules in claims 5 and 6, this statement is considered a game rule. In game apparatus claims, only the claimed elements having physical structure are given

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patentable weight. Game rules, (e.g. dealing two cards face up, one card face), however, have no physical structure per se. Thus, game rules have no limiting affect in game apparatus claims.

Regarding claim 4, the particular pack of cards used is a matter of design choice, wherein no stated problem is solved, or unexpected result obtained, by using the specific pack of cards claimed versus the pack of cards taught by the prior art.

Response to Arguments

10. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 703-308-7135. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Ape
apr
July 24, 2003


JESSICA HARRISON
PRIMARY EXAMINER